Remarks/Arguments

Claims 1-47 are presented for Examiner Salvatore's consideration. Claims 17-45 are currently under examination and claims 1-15 and 46-47 are previously withdrawn, and claim 16 is now also withdrawn as it has been re-grouped by the Examiner into non-elected Group I. Claim 17 is currently amended, as shown in the attached listing of the claims. Support for this amendment may be found on page 13 lines 1-32 of the present specification, for example.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of Paragraph 4 of the Office Action mailed December 05, 2003, Examiner Salvatore rejected claim 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully **traversed**, to the extent that it may apply to currently presented claim 17. The Examiner cited *Ex parte Slob*, 157 USPQ 172 (Patent Office Board of Appeals, 1968) as support. Applicants note that the Board in *Slob* stated that the claim directed to "a liquefiable substance having a liquefaction temperature from 40°C to 300°C" and compatible with powdered detergent ingredients was indefinite because it did not state any composition at all (other than "liquefiable substance") and would therefore cover any substances regardless of their composition, and would even cover substances which "could not possibly be used to accomplish purposes intended".

In contrast, the storage sleeve as currently claimed in claim 17 requires that it comprise the structure of a first web having a top edge, a bottom edge and two side edges, and a second web comprising a nonwoven web comprising multicomponent thermoplastic polymer filaments and having a top edge, a bottom edge and two side edges, and further that the first web is interconnected with the second web. Therefore, the storage sleeve as presently claimed in claim 17 sets forth sufficient structure and Applicants respectfully submit that the rejection of claim 17 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

By way of Paragraphs 5-6 of the Office Action mailed December 05, 2003, the Examiner rejected claims 17-20 under 35 U.S.C. § 102(e) as being anticipated by McDevitt et al. US 2003/0050589. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

The invention as presently claimed in claim 17 is directed to a storage sleeve for holding an article having a sensitive surface to protect the sensitive surface from damage. The storage sleeve comprises a first web having a top edge, a bottom edge and two side edges and, a second web comprising a nonwoven web comprising multicomponent thermoplastic polymer filaments, the nonwoven web having a bulk density in the range of about 0.075 g/cc to about 0.130 g/cc and a Gurley stiffness greater than about 80 mg and having a top edge, a bottom edge and two side edges, and wherein the first web is interconnected with the second web at or near the bottom edge and two side edges of the first web to form a pocket to hold said article having a sensitive surface.

Applicants point out that McDevitt et al. is directed to a device for treating appendage ailments. The instant invention is directed to a storage sleeve for holding an article having a sensitive surface. There is no disclosure of using the product of McDevitt et al. as a storage sleeve for holding an article having a sensitive surface. Because the claims are to a storage sleeve, which has meaning to those skilled in the art, and this feature is not taught by McDevitt et al., McDevitt et al. does not anticipate the Applicants' claims. Furthermore, the McDevitt et al. reference does not appear to teach either the bulk density requirement (of about 0.075 g/cc to about 0.130 g/cc) or the Gurley stiffness requirement (greater than about 80 mg) of the instant invention. The Examiner has stated that these requirements are inherent to the device for treating appendage ailments disclosed in McDevitt et al., because McDevitt et al. discloses use of like materials.

However, as stated in M.P.E.P. §2112, "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (citing *Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)). As stated on page 11, lines 6-8 of the present Application, it is important for the invention to have at least a minimum stiffness, and the the Gurley stiffness of the nonwoven web should be at least about 80 mg, and if the stiffness is below about 80 mg, the nonwoven will tend to be too flexible. In contrast, the only statements Applicants can find regarding stiffness and/or flexibility in the disclosure of the McDevitt et al. device for treating appendage ailments is in paragraph [0004] where it states, "bandages are not generally comfortable to a user, and can often easily slip off the appendage. For this reason, bandages with enhanced flexibility and elasticity have been developed." Therefore, while McDevitt et al. is silent with respect to Gurley stiffness, it also tends to indicate that such devices are desirably flexible rather than having any required minimum stiffness.

Because McDevitt et al. fails to disclose all of the parameters or requirements of Applicants' claims as presented, and because the allegedly inherent characteristics do not necessarily flow from the teachings of the applied prior art, Applicants respectfully submit that the rejection of claim 17 under 35 U.S.C. §102(e) should be withdrawn.

By way of Paragraph 7-8 of the Office Action mailed December 05, 2003, the Examiner rejected claims 17-45 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 6,186,320 to Drew (hereinafter "Drew") in view of U.S. Patent Number 5,709,735 to Midkiff et al. (hereinafter "Midkiff et al."). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

As the Examiner has noted, Drew teaches a double sided storage sleeve comprising flexible first and third sheets and a flexible nonwoven, non-laminated second sheet positioned therebetween. However, as presently claimed in amended claim 17, the instant invention is directed to a storage sleeve comprising a first web having a top edge, a bottom edge and two side edges and a second web comprising a nonwoven web comprising multicomponent thermoplastic polymer filaments, the nonwoven web having a bulk density in the range of about 0.075 g/cc to about 0.130 g/cc and a Gurley stiffness greater than about 80 mg and having a top edge, a bottom edge and two side edges. In order to arrive at the invention as currently claimed in claim 17, the Examiner must combine the sleeve of Drew with the high stiffness nonwoven filter medium taught in Midkiff et al., and even with this combination, Applicants would like to point out that there still is no explicit teaching of the nonwoven web having a bulk density in the range of about 0.075 g/cc to about 0.130 g/cc.

Furthermore, the Examiner stated that one skilled in the art would have been motivated to make the combination of the high stiffness nonwoven filter medium taught in Midkiff et al. for the flexible nonwoven, non-laminated second sheet in the storage sleeve of Drew in order to "provide a storage sleeve having sufficient structural integrity". However, two important factors must be considered in assessing the motivation to make such a combination. First, the teachings of Midkiff et al. do not mention whether or not the filter medium disclosed therein have high strength or high structural integrity. Midkiff et al. does teach that the filter medium is of high stiffness. Second, the very heart of the teachings of Drew is that each of the sheets used in the storage sleeve be flexible, and all of the claims require that the nonwoven, non-laminated second sheet be flexible.

Therefore, instead of being led to combine the high stiffness nonwoven filter medium taught in Midkiff et al. for the flexible nonwoven, non-laminated second sheet in the storage sleeve of Drew, one skilled in the art would actually be lead away from the high stiffness medium in Midkiff et al.

For the reasons stated above, Applicants believe the combination of Drew in view of Midkiff et al. is not a proper combination, in that one skilled in the art would not have been motivated to combine the high stiffness nonwoven filter medium taught in Midkiff et al. for the flexible nonwoven, non-laminated second sheet in the storage sleeve of Drew. Instead, Applicants believe one skilled in the art would have been led away from making such a combination, and Applicants therefore submit that the rejection claims 17-45 under 35 U.S.C. §103(a) over Drew in view of Midkiff et al. should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

SINGER ET AL.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Robert Ambrose, hereby certify that on April 05, 2004, this document is being faxed to the United States Patent and Trademark Office, central facsimile machine at (703) 872-9306.

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